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TO: Senator Donald Steinbeisser, Chairman, Senator Taylor Brown, Vice chairman, Senate Agriculture Committee and Members of the Senate Agriculture Committee:

RE: Senate Bill 218, patent plants sampling and mediation.

This letter is to explain myself in a more detailed way about the issue that I as an individual raised in my testimony yesterday at the hearing on this bill.

As I stated, I have been involved in this process the last few years and have been working over the last weeks on fine-tuning the bill and I came across a missing point in the sampling process.

The point is that, if the department takes the samples and sends the samples to an independent laboratory all this information becomes "public information". So 10 days ago I proposed an amendment with the intent to insure that that trade secrets and other sensitive information regarding intellectual property would be confidential, and with the intent that a farmer that had been wrongly accused and was innocent, would be able to clear his name, in the case that rumors were going around between his neighbors and at the coffee shop that he was doing something wrong.

The original amendment was written like this: *"The results of all sampling and testing are confidential unless either the grower or the claimant chooses to make them public"*

Because of some circumstances, the Montana Agriculture Business Association was not able to get back addressing this issue until the day before the hearing. What I was told, was that they (MABA) really like this amendment a lot and it was an oversight from their side not thinking about this and that they wanted to change two words so the amendment sounds like this.

"The results of all sampling and testing are confidential unless both the grower and the claimant chooses to make them public"

These two words change the dynamic of the amendment and because we were out of time and we did not have that extra time to sit down and find a win/win solution between the two different intents, this amendment then became the compromise that all groups agreed on fast, including me. I strongly felt that not enough time was given to find a win/win, so therefore I informed the groups that since this proposal actually came from me and because part of the intent got lost in the process and we were out of time that I would bring this to the attention of this committee as an individual, which I did. After the hearing I talked briefly to Krista Lee Evans about this and she said that she understood my viewpoints and intent, as well as I fully understand the concerns that she is representing.